

AMENDED IN ASSEMBLY MARCH 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2204

Introduced by Assembly Member Beall
(Coauthors: Assembly Members Blumenfield and Portantino)
(Coauthor: Senator Alquist)

February 18, 2010

An act to amend Section 4512 of, and to add Section 4512.5 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2204, as amended, Beall. Developmental services: stakeholder groups.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with local nonprofit regional centers to provide various services and supports to individuals with developmental disabilities. The department is required to consult with stakeholders for various reasons, including, but not limited to, coordinating client advocacy, planning programs, and creating alternative service delivery models to obtain services and supports.

This bill would require the department, in convening stakeholder groups pursuant to the act, to take into account the state's ethnic, geographic, and socioeconomic diversity and to use best efforts to include stakeholder groups that, collectively, reflect the interests of the state's diverse population. The bill would also require the department to include in appropriate reports to the Legislature a description of how it has complied with the requirement of stakeholder group diversity.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4512 of the Welfare and Institutions Code
2 is amended to read:
3 4512. As used in this division:
4 (a) “Developmental disability” means a disability that originates
5 before an individual attains age 18 years, continues, or can be
6 expected to continue, indefinitely, and constitutes a substantial
7 disability for that individual. As defined by the Director of
8 Developmental Services, in consultation with the Superintendent
9 of Public Instruction, this term shall include mental retardation,
10 cerebral palsy, epilepsy, and autism. This term shall also include
11 disabling conditions found to be closely related to mental
12 retardation or to require treatment similar to that required for
13 individuals with mental retardation, but shall not include other
14 handicapping conditions that are solely physical in nature.
15 (b) “Services and supports for persons with developmental
16 disabilities” means specialized services and supports or special
17 adaptations of generic services and supports directed toward the
18 alleviation of a developmental disability or toward the social,
19 personal, physical, or economic habilitation or rehabilitation of an
20 individual with a developmental disability, or toward the
21 achievement and maintenance of independent, productive, normal
22 lives. The determination of which services and supports are
23 necessary for each consumer shall be made through the individual
24 program plan process. The determination shall be made on the
25 basis of the needs and preferences of the consumer or, when
26 appropriate, the consumer’s family, and shall include consideration
27 of a range of service options proposed by individual program plan
28 participants, the effectiveness of each option in meeting the goals
29 stated in the individual program plan, and the cost-effectiveness
30 of each option. Services and supports listed in the individual
31 program plan may include, but are not limited to, diagnosis,
32 evaluation, treatment, personal care, day care, domiciliary care,
33 special living arrangements, physical, occupational, and speech
34 therapy, training, education, supported and sheltered employment,
35 mental health services, recreation, counseling of the individual

1 with a developmental disability and of his or her family, protective
2 and other social and sociolegal services, information and referral
3 services, follow-along services, adaptive equipment and supplies,
4 advocacy assistance, including self-advocacy training, facilitation
5 and peer advocates, assessment, assistance in locating a home,
6 child care, behavior training and behavior modification programs,
7 camping, community integration services, community support,
8 daily living skills training, emergency and crisis intervention,
9 facilitating circles of support, habilitation, homemaker services,
10 infant stimulation programs, paid roommates, paid neighbors,
11 respite, short-term out-of-home care, social skills training,
12 specialized medical and dental care, supported living arrangements,
13 technical and financial assistance, travel training, training for
14 parents of children with developmental disabilities, training for
15 parents with developmental disabilities, vouchers, and
16 transportation services necessary to ensure delivery of services to
17 persons with developmental disabilities. Nothing in this subdivision
18 is intended to expand or authorize a new or different service or
19 support for any consumer unless that service or support is contained
20 in his or her individual program plan.

21 (c) Notwithstanding subdivisions (a) and (b), for any
22 organization or agency receiving federal financial participation
23 under the federal Developmental Disabilities Assistance and Bill
24 of Rights Act, as amended “developmental disability” and “services
25 for persons with developmental disabilities” means the terms as
26 defined in the federal act to the extent required by federal law.

27 (d) “Consumer” means a person who has a disability that meets
28 the definition of developmental disability set forth in subdivision
29 (a).

30 (e) “Natural supports” means personal associations and
31 relationships typically developed in the community that enhance
32 the quality and security of life for people, including, but not limited
33 to, family relationships, friendships reflecting the diversity of the
34 neighborhood and the community, associations with fellow students
35 or employees in regular classrooms and workplaces, and
36 associations developed through participation in clubs,
37 organizations, and other civic activities.

38 (f) “Circle of support” means a committed group of community
39 members, who may include family members, meeting regularly
40 with an individual with developmental disabilities in order to share

1 experiences, promote autonomy and community involvement, and
2 assist the individual in establishing and maintaining natural
3 supports. A circle of support generally includes a plurality of
4 members who neither provide nor receive services or supports for
5 persons with developmental disabilities and who do not receive
6 payment for participation in the circle of support.

7 (g) “Facilitation” means the use of modified or adapted
8 materials, special instructions, equipment, or personal assistance
9 by an individual, such as assistance with communications, that
10 will enable a consumer to understand and participate to the
11 maximum extent possible in the decisions and choices that ~~effect~~
12 *affect* his or her life.

13 (h) “Family support services” means services and supports that
14 are provided to a child with developmental disabilities or his or
15 her family and that contribute to the ability of the family to reside
16 together.

17 (i) “Voucher” means any authorized alternative form of service
18 delivery in which the consumer or family member is provided with
19 a payment, coupon, chit, or other form of authorization that enables
20 the consumer or family member to choose his or her own service
21 provider.

22 (j) “Planning team” means the individual with developmental
23 disabilities, the parents or legally appointed guardian of a minor
24 consumer or the legally appointed conservator of an adult
25 consumer, the authorized representative, including those appointed
26 pursuant to subdivision (d) of Section 4548 and subdivision (e) of
27 Section 4705, one or more regional center representatives,
28 including the designated regional center service coordinator
29 pursuant to subdivision (b) of Section 4640.7, any individual,
30 including a service provider, invited by the consumer, the parents
31 or legally appointed guardian of a minor consumer or the legally
32 appointed conservator of an adult consumer, or the authorized
33 representative, including those appointed pursuant to subdivision
34 (d) of Section 4548 and subdivision (e) of Section 4705.

35 ~~(k) “Stakeholder organizations” or “stakeholder groups” means~~
36 ~~statewide advocacy organizations and organizations representing~~
37 ~~the interests of consumers, family members, and service providers.~~

38 (k) “Stakeholder organization” or “stakeholder group” means
39 *an organization representing the interests of consumers, family*

1 *members, or service providers, or a statewide advocacy*
2 *organization.*

3 (l) “Substantial disability” means the existence of significant
4 functional limitations in three or more of the following areas of
5 major life activity, as determined by a regional center, and as
6 appropriate to the age of the person:

7 (1) Self-care.

8 (2) Receptive and expressive language.

9 (3) Learning.

10 (4) Mobility.

11 (5) Self-direction.

12 (6) Capacity for independent living.

13 (7) Economic self-sufficiency.

14 Any reassessment of substantial disability for purposes of
15 continuing eligibility shall utilize the same criteria under which
16 the individual was originally made eligible.

17 SEC. 2. Section 4512.5 is added to the Welfare and Institutions
18 Code, to read:

19 4512.5. (a) In convening stakeholder groups pursuant to this
20 division, the department shall take into account the ~~state’s~~ *state’s*
21 ethnic, geographic, and socioeconomic diversity and shall use best
22 efforts to include stakeholder groups that, collectively, reflect the
23 interests of the state’s diverse population.

24 (b) In preparing ~~any~~ reports required to be submitted to the
25 Legislature pursuant to this division, the department shall, when
26 applicable, include a description of how it has complied with this
27 section with respect to stakeholder group diversity.